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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/089,840

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Tomonori Fujisawa

K-2045

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EXAMINER

BANTA, TRAVIS R

ART UNIT

PAPER NUMBER

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/089,840

Applicant(s)

FUJISAWA ET AL.

Examiner

Travis R. Banta

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1, 2, 4, and 7 have been amended. Claims 10-11 have been added. Currently, claims 1, 2, 4 and 7-11 are pending in the application. Acknowledgment has been made.

#### ***Claim Rejections - 35 USC § 112***

In claim 1, the recited term "each of subscribers" lacks antecedent basis. No subscribers have been previously recited. The term is also vague and indefinite as the Examiner can not precisely ascertain it's meaning. The Examiner will understand the term to mean "each of a group of subscribers".

In claim 2, the recited term "the sscribers" (final line) lacks antecedent basis.

#### ***Claim Rejections - 35 USC § 102***

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**Claims 1, 2,4 and 7-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Bunney et al. (6,446,112).**

Referring to claim 1, Bunney et al. teaches a method for searching a participant or participants in an online game or online chatting, comprising: providing to each of a

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plurality of subscribers an ID retaining section for retaining an ID to be assigned from a network server (Fig.3), an IP recording section for temporally recording an address assigned, when connected to a network, from a provider in which each participant subscribes until connection to the network is disconnected, a transmission section to the server, and a control section connected to the ID retaining section, the IP recording section and the transmission section (9:21-34); receiving participant search information from one of subscribers in starting the online game or online chatting on a network to which a plurality of subscribers is connected with a network server as a core, said network server having a log-in monitoring section (abstract; 1:48-2:36; Fig.1); managing a channel and a relation between an ID and an IP address of all of the subscribers currently logging-in by the server; collating attribute information concerning the subscribers stored in the server to the participant search information by the server(5:3-46); selecting another of the subscribers other than the one of the subscribers corresponding to the participant search information and also currently connected to the network by the server; distributing participant recruiting information to the another of the subscribers by the server (4:37-5:8); transferring the IP address from the IP recording section and the ID from the ID retaining section from the subscribers to the server upon acceptance to the participant recruiting information, through the transmission section; returning, participant acceptance information of the another of the subscribers to the one of the subscribers by the server.

**Note that, the limitations of a network terminal comprising an ID retaining section for retaining an ID assigned to the terminal from the network server, and an IP**

**recording section for temporally recording therein an IP address assigned by a provider to which each of the plurality of network subscribers subscribes during the online mode until an operation for switching to the offline mode (disconnecting internet browser) is performed, are inherent from internet browser interface which temporarily stores browsing data and address in the terminal (1:4-39; 9:21-10:59).**

With respect to claim 2, Bunney et al. teaches a participant search device used for an online game or online chatting performed on a network to which a network server and a plurality of network terminals are connected (abstract; 1:48-2:36; Fig. 1), wherein each of the network terminals comprises an ID retaining section for retaining an ID to be assigned from the network server, an IP recording section for temporally recording an IP address assigned, when connected to the network, from a provider in which each subscriber subscribes until connection to the network is disconnected, a transmission section to the server, and a control section connected to the ID retaining section, the IP recording section and the transmission section, the IP address from the IP recording section and the ID from the ID retaining section in at least one of the subscribers being transferred to the server, upon acceptance to participant recruiting information, through the transmission section (1:4-39; 9:21-10:59), and wherein said network server comprises: a subscriber attribute information storage section for storing attribute information for network subscribers (4:31-5:46); an ID storage section for storing therein IDs of the subscribers (3:66-4:22); a participant selection section for selecting at least one of the subscribers satisfying conditions specified in a request from another of the

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subscribers with the attribute information stored in the subscriber attribute information storage section; a transmission section for transmitting the participant recruiting information to the at least one of the subscribers, a control section for receiving a start signal from the another of the subscribers after the another of the subscribers receives the acceptance of the participant recruiting information from the at least one of the subscribers, and starting an operation, and a log-in monitoring section for receiving the start signal through the transmission section of the Server and for managing a relation between the ID and the IP address of all of the subscribers currently logging-in and a channel (1:4-39; 7:27-9:56).

Referring to claim 4, Bunney et al. teaches a network server having a communication server section for searching a participant or participants in an online game or online chatting, wherein the communication server section comprises: a - subscriber attribute information storage section for storing therein attribute information for network subscribers (abstract; 1:48-2:36; Figs.1, 4); an ID storage section for storing therein the subscribers' IDs; a participant selection section for selecting at least one of the subscribers with the attribute information having been stored in the subscriber attribute information storage section in response to a demand from another of the subscribers; a transmission section for transmitting the participant recruiting information to the at least one of the subscribers; a control section for receiving a start signal from the another of the subscribers after the another of the subscribers receives the acceptance of the participant recruiting information from the at least one of the subscribers, and starting an operation, and a log-in monitoring section for receiving the

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start signal through the transmission section of the server and for managing a relation between the ID and the IP address of all of the subscribers currently logging-in and a channel (1:4-39; 7:27-9:56); and a log-in monitoring section for managing a relation between an ID and an IP address of all of the subscribers currently logging-in and a channel (1:4-39; 7:27-9:56).

Referring to claim 7, Bunney et al. teaches a computer program for a network server embedded in a computer readable medium for searching a participant or participants in an online game or online chatting comprising the steps of: retaining an ID to be assigned from a network server in each of subscribers, temporally recording an IP address in each of the subscribers, said IP address being assigned, when connected to a network, from a provider in which each subscriber subscribes until connection to the network is disconnected; managing a channel and a relation between an ID and an IP address of all of subscribers currently logging-in, receiving participant search information from one of the subscribers connected to a network (1:4-39; 7:27-9:56); collating the participant search information to attribute information for the network subscribers stored in the server and selecting another of the subscribers currently connected to the network; distributing participant recruiting information to the another of the subscribers (4:37-5:8); and returning participation acceptance information for the another of the subscribers having accepted the recruiting information to the one of the subscribers (4:31-5:46).

Referring to claims 8 and 9, Bunney et al. teaches said managing the channel and the relation includes managing a channel and a relation between servers (5:3-32).

With respect to claims **10 and 11**, Bunney et al. teaches automatically searching for participants in the IRC online chat when the players log in (4:37-44).

***Response to Arguments***

Applicant's arguments filed 8/24/2006 have been fully considered but they are not persuasive.

The Applicant has argued that in the applicant's invention the IP address, ID and the channel are controlled by servers. The applicant contends that Bunney et al. does not teach server control of the IP address, ID and the channel. Figure 3 and the related description in column 10 specifically lines 35-38 show that IP addresses and the ID of the individual are specifically under the server's control. Lines 50-59 in column 10 teach that the channel is controlled by the server. The rejection is respectfully maintained.

The Applicant has argued that the claims of the instant invention possesses features not disclosed in Bunney et al. Specifically the applicant alleges selecting subscribers, distributing participant information to the subscribers currently connected, receiving the participation acceptance information and so on are unique to the instant invention. The Examiner respectfully disagrees. Column 10 lines 50-59 teach selecting subscribers to participate in a given chat. This also can be a user performed function. Column 4 lines 37-49 teach distributing participant information to the subscribers currently connected to the network. This can also be accomplished with a "Do Not Disturb" sign referenced in lines 43-44. A "Do Not Disturb" sign is distributing participant information to users and provides acceptance information as to whether the individual is willing to chat or not. The rejection is respectfully maintained.



***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R. Banta whose telephone number is (571) 272-1615. The examiner can normally be reached on Monday-Friday 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TB

Ronald Aeneau  
Primary Examiner  
3/17/07